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11 **UNITED STATES DISTRICT COURT**
 12 **FOR THE NORTHERN DISTRICT OF CALIFORNIA**

13

14 JOHN DOE A/K/A BRIAN SAPIENT,) Case No.: **3:07-cv-02478 VRW**
 15 Plaintiff,)
)
 16 v.)
)
 17 URI GELLER)
)
 18 and)
)
 19 EXPLOROLOGIST LTD.,)
)
 20 Defendants)
)
 21

22 The Defendants, Explorologist, Ltd. and Uri Geller, by and through their attorneys,
 23 Richard Winelander and Jeffrey M. Vucinich, hereby notify the Court, pursuant to Civil L. R. 3-
 24 13, of the pendency of another action between the parties. In support of this notice the
 25 Defendants state the following:

26 1. On May 7, 2007 Explorologist Limited filed suit against Brian Sapient a/k/a Brian J. Cutler
 27 (Sapient¹) in the United States District Court for the Eastern District of Pennsylvania. That

28
 1 For consistency Plaintiff will use Mr. Cutler's alias.

1 case (2:07-cv-01848-LP) was assigned to the Honorable Louis H. Pollak. Judge Pollak
 2 referred the case to Magistrate Judge M. Faith Angell. The original Complaint alleged
 3 Copyright Infringement under British Law. The Amended Complaint added counts for
 4 Commercial Disparagement and Appropriation of Name or Likeness.

5 2. The next day, on May 8, 2007, Sapient filed a complaint in this Court against Explorologist
 6 Limited and Uri Geller a/k/a Uri Geller Freud alleging misrepresentation and requesting
 7 declaratory relief.

8 3. Each suit arises from a dispute concerning a video clip entitled "James Randi exposes Uri
 9 Geller and Peter Popoff" which Sapient posted on the website www.youtube.com. This clip
 10 was taken from a NOVA Special entitled "Secrets of the Psychics."² Both the clip Sapient
 11 posted and the NOVA special contained a Film entitled "Dr Hughes" which was shot in 1987
 12 by Shimshon Shtrang (Shipi), an officer Explorologist, Ltd. The clip, featuring Dr Hughes,
 13 although only 8 seconds long is at the center of both lawsuits.

14 4. The Philadelphia suit seeks to stop Sapient, pursuant to British law, from using
 15 Explorologist's intellectual property without its consent. Sapient has filed a Motion to
 16 Dismiss the Philadelphia suit. That motion has been fully briefed and is awaiting a ruling by
 17 Judge Pollak.

18 5. In the case *sub judice*, Sapient claims Defendants violated the Digital Millennium Copyright
 19 Act (DMCA) 17 U.S.C. § 512(f) "by knowingly materially misrepresenting under DMCA §
 20 512 that the NOVA Video infringed their copyright." (Complaint ¶ 22). The Defendants have
 21 filed a Motion to Dismiss and or to transfer this case to United States District Court for the
 22 Eastern District of Pennsylvania.

23 6. The Defendants maintain that, if not dismissed, the case should be transferred pursuant to 28
 24 U.S.C. § 1407 (Multi District Litigation Procedures) because the principal parties and the
 25 issues in the two cases are identical. Additionally or alternatively coordination of the two
 26 suits might avoid conflicts, conserve judicial resources and promote an efficient

28 ² The copyright owner is the WGBH Educational Foundation.

1 determination of the action. Judge Pollak has been fully briefed, on the intricacies of British
 2 law and the underlying facts of the dispute, therefore he would be well suited to decide all
 3 issues involved in the litigation.
 4

5 Dated: October 4, 2007

6 /s/
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17 Attorney for Defendants,
 18 Uri Geller and Explorologist, Ltd.
 19

20 **CERTIFICATE OF SERVICE**

21 I hereby certify that on this 4th day of October 2007, a copy of the foregoing Notice of
 Pendency of Other Action was mailed, postage prepaid to:

22 Jason Schultz, Esquire
 23 Corynne McSherry, Esq.
 24 Marcia Hofmann, Esquire
 25 Electronic Frontier Foundation
 454 Shotwell Street
 San Francisco, CA 94110
 26

27 /s/
 28 Richard Winelander, Esq.